

Before the Board of Zoning Adjustment, D. C.

Application No. 11912 of Kenesaw Apartments for a variance from the use provisions of the R-5-C Zone to permit the establishment of a upholstery shop at the premises 3059 Mt. Pleasant Street, N. W., Lot 175, Square 2594.

HEARDING DATE: June 18, 1975

DECISION DATE: June 24, 1975, August 6, 1975

MOTION FOR RECONSIDERATION

ORDER

Upon consideration of applicant's Motion for REconsideration, the Board is of the opinion that applicant has raised no substantial question of law or fact in the matter.

Accordingly, it is ORDERED; that the applicant's motion hereby fails for a lack of four (4) affirmative votes to reconsider.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

James E. Miller
JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER:

8/12/75

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11912, of Kenesaw Apartments, pursuant to Section 8207.1 of the Zoning Regulations, for a use variance to permit the establishment of an upholstery shop in the R-5-C zone as provided by Section 8207.11 of the regulations, at the premise 3059 Mt. Pleasant Street, N. W., known as Lot 175, Square 2594.

HEARING DATE: June 18, 1975

DECISION DATE: June 24, 1975

FINDINGS OF FACT:

1. The subject property is improved with an apartment building.
2. The applicant proposes to use a portion of the street floor of the building in question for the purpose of repairing and upholstering furniture.
3. The particular space that applicant proposes to use is presently used as dead storage space by Paratos Interior Decorating Firm.
4. The applicant's attorney, testified that the applicant proposes to subcontract with Paratos to repair furniture.
5. The last recorded certificate of occupancy for the space proposed to be used by applicant was for a dressmaking shop.
6. The applicant's attorney testified that the dressmaking shop use terminated shortly after the riots in 1967.
7. The applicant did not introduce evidence or testimony relating to any hardship the owner of the subject property would suffer if the regulations are interpreted strictly.
8. The applicant failed to demonstrate that the space in question cannot be used for a zoned purpose.
9. No opposition was made to this application.

Application No. 11912

Page No. 2

CONCLUSIONS OF LAW:

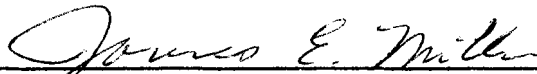
Based upon the above findings of fact, and conclusions of law, the Board is of the opinion that applicant has not carried his burden of proving the existence of a practical difficulty and a hardship as required by Section 8207.11 of the Zoning Regulations. Therefore, as a matter of law, the Board concludes that Granting of this application without the required proof of facts necessary to permit a variance would substantially impair the meaning and intent of the Zoning Regulations and Maps.

ORDERED: THAT THE ABOVE APPLICATION BE, DENIED.

VOTE: 4-0 (Mr. Klauber not voting, not having heard the case.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER:

7/8/75